App F IX 4

Previous References p 21E ✓ (1948-5)

File No 87-48

Serial Nos 16, 17

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for L K W

SUBJECT

Requests sanction to the modification of the existing marketing Bye-laws in the Tumkur Town Municipality

L 3348/R 29-9-48

To D C Tumkur

pdt. Town Municipal Council Tumkur

Sanctions

3348/L

From the D.C Tumkur dt

No A6 747/46 dt 1-11-46

Requests sanction to the modification of the existing market bye-laws in the Tumkur Town mkt

1) submitted with a letter calling for a copy of GO dt 23-11-44 - V-de DC's report - as the connected file is not readily available

Sd 30/11

2) Approved
30/11

TYPING SECTION
[illegible]

To the DC., Tumkur dist

No L8944 dt 23/12/46
a copy of GO-4930-1 dt 23/11/44
calls for certain information

Letter No A6 C 747/46-47 dt 27-1-47 from the Dy Commr, Tumkur dt, forwarding a copy of the Market Byelaws of the Tumkur Town mkt for

3) According to Byelaw No 5 the Pdt is authorised to let the use of a shop or stall or setting in a Public Market for a period of not less than 3 months and not more than 12

3348 √ 6198

months either by public auction or by prescribing a monthly rent, subject to such conditions as may seem necessary

4) The present proposal is to authorise the Pdt to dispose of the Market Shops and stalls once in 3 years in Public auction

5) A notification dt 7-8-46 was also published calling for objections six objections petitions were received and those petns were considered by the mc dl at their meeting held on 28-9-46 and approved of the modification as suggested "T"

6) The first resolution of the mc dl approving the modifications is dated the 31st July 1946 & whereas the Dy Commr in ~~his letter~~ the 3rd para of P & D his letter has mentioned it as 31st Aug 1946

7) The existing & the modified Byelaw is as follows —

Byelaw no 5

Existing

The Pdt may let the use of a Shop or stall or sitting in a Public Market for a period of not less than 3 months and not more than 12 months either by public auction or by prescribing a monthly rent, subject to such conditions as may ~~be~~ necessary

Proposed

The Pdt may be authorised to dispose of the Market Shops & Stalls once in 3 years in Public auction

Subt for orders

14/12

8) Pl note what the practice in this aspect is in the case of the

5/198/ Please expedite this as a
date is to be fixed on the subject, when
it is in force in the City
for
17/2/47

9) Noted. The practice obtaining in the case of the
markets of Bangalore & Mysore is as noted below —

Bangalore

The Mil Commrs may let the use of any shops or stalls or sitting in a public market where rents are fixed by the Council or under these rules for a period not less than 3 months & not more than 12 months either by auction when so authorised or otherwise subject to the rules prescribed in Bye Laws no 5 etc,
(Vide Bye Laws no 4)

Mysore

Stalls & Shops of permanent nature shall not be let for less than one month at a time etc,
(Vide Bye Laws no 10A)

MKB 10) The reasons for the proposed change have not been stated anywhere. What were the objections received against the proposal considered by the MLA? & what are their grounds in support of objections raised in this behalf? Please
for
S/3/47

11) Noted with a draft letter for approval
MKB
7/3

12) Done
for
8/3/47

PRINTING SECTION
10 MAR 1947
SECTT

6198
L

√ 551/m1

To The Dy Commr, Tumkur Dt
No L 12508 Dt 18-8-47
Calls for some information

Answ.
14/9

From

The Asst Commr Tumkur
L No Ab C 743/46-47 Dt 17-9-47
furnishes the information called for

13) The president Tumkur Taluk Board states that, on the repeated request of the Stall and Shop holders of the market, ~~that~~ the period of lease of the Shops and the Stalls as proposed to be ~~continued~~ again fixed for at least 3 years Further the president ~~gives reasons~~ states, that as there is keen competition among the Stall holders the proposal was accepted by the Board in the meeting held on 31-7-46

14) Objections were called for for the amendment of the market bye laws Six objections were received and were

Market Byelaws in Trincomalee Town Mfy

6198/mel
(1)
551/mel

were considered by the Mel and found them to be untenable the Mfy Cl have resolved to amend the byelaws to the extent of permitting the president to auction out stalls & shops once in three years

15) The LD C requests orders of the Govt for amending the byelaws in the matter

16) Submitted for orders — Ref Secretariat 50

Any Pr 378 — 4 8 49 17) Please note further on the merits of the proposal

for 6/8/48

18) According to the resolution of the Trincomalee Mel it is desirable to auction the stalls etc in the Market once in three years The vegetable merchants who occupying the stalls will have security and they can hope to improve the business Of the period is fixed

Market bye laws in the Tuticorin Town Mlty

551/mel

for only one year, the merchants will have no scope for improving their business and also there will be keen competition which ultimately leads to the prices of the commodities being enhanced, ~~accord~~ To avoid trouble on the part of the Mlty in auctioning the Stalls every year and the expenditure involved in that will be reduced to some ~~extent~~ extent

19) In the circumstances explained above the bye laws may be amended so as to fix the period for 3 years, which is beneficial both to the Merchants and to the Mlty

20) Submitted for orders

Hyp 14/8 21) It is possible that by auctioning ~~once in three years~~ the Stalls the Hindu Council may realise less by way of rents than they would by auctioning them on more frequently on account of the present keen competition that exists in business, but the Hindu Council seem to mind that this does not

matter so much as the higher rents paid by the Stall-holders would eventually be charged on the Consumers, who are the object of the town, and in this view the proposal is beneficial to the local Consumers. When on the other hand the Conductors look towards a Slump the present proposal has the benefit of obtaining yearly Steady rents to the Stalls to the Municipality and not Steadily decreasing rents. The practice in Bangalore and Mysore also is noted in favour of

Rule 16 not 29 By-laws now as at Hands at present is very much and gives ample scope for the Reasons in this behalf. If the shops or Stalls are let out for three years, it would indeed be a long term of a lease for such a long period would tend to create monopolistic rights which should be awarded further, in a democratic organisation like this Town Ability, it would be most undesirable to place

- in the hands of the President the
power to dispose of the stops & stalls
for a long period
as this also a matter of principle
leading to which should, by auctioning
every year, result to realize greater
amounts. Turkmenia a debt Headquarters
stalls & the demand for these stalls or
shops or settings is bound to grow in
the years to come
24) Having regard to the above circumstances
& the fact that the above payments
the lessees not allowed for more,
than 12 months at a time, it is not
necessary to function its modification
of the system as proposed for orders
renewal for 18/8/47

25) I think the leasing out
should be done every year & which
should be of the nature of a
mere renewals ~~with~~ in respect
of permanent stall or shop
holders - Besides, these shops
& stalls may be leased out on a prescribed
lease amount instead of sale
in public auction. Such a

10149
17/8

Standard Bye-laws – Tsumeb Municipality

351/Vol

Course would avoid cut throat Competition & leads immunity to the lessee from losing the use of the shop or the stall after the expiry of the lease period.

4) The proposed amendment of the bye-law therefore appears to be unnecessar

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 963/55g
File

Recommended L.S.G. 31/8/48

27) The existing practice may continue as the proposed one is not in the interest of the Municipality

20/9/48

21/9

28) D/F letter please 21/9/48

29) Submitted with a draft letter to the A.C. Tsumeb Dist. for approval

28/9 For signature 29/9/48

Auction of Shops and Stalls in the Market at Tumkur Town once in 3 years

551/M

To

The DC Tumkur Dist.

L 3348/R dated 29-9-64

The question is not appropriate

B

29/9

REV & DEV SECRETARIAT
3348
5 NOV 1946
L S G BRANCH

No A6.747/46

Enc 1 file

Office of the Deputy Commissioner,
Tumkur District
Dated, Tumkur, the 1st November'46

From

Mir Safdar Hussain, Esq , B A ,
Deputy Commissioner,
Tumkur District, Tumkur

To

J D Ellaradhya, Esq , M A ,
Secretary to the Govt of Mysore,
Revenue Dept , Bangalore

Re Auction of market shops at Tumkur Town once in three years

Sir,

In forwarding herewith the file of records received with letter No T C 61/46 from the President, Town Municipal Council, Tumkur on the above subject and to state as follows -

2) As per Market Bye-laws of Tumkur Municipality sanctioned in G O No L 4930-1/M1 109-44-20 dated 25-11-1944 the President was authorised to let the shops of public market for a period of 3 months and not more than 12 months at a time The Council desired to modify the existing bye-laws and resolved to authorise the President to dispose of shops and stalls in the market for a period of 3 years in public auction from the year 1947-48 Objections were called for from the public to the above proposal of the Council as required under Section 48(1) of Town Municipalities Act 1933

"S"

3) The six objection petitions received in this behalf by the public were discussed in detail by the Municipal Council at their meeting held on 28th September 1946 and it was further resolved that the resolution dated 31st August 1946 may be forwarded for approval, as the modified proposal is expected to bring appreciable income to the Municipality

"U"

"R"

ITO

I therefore request that sanction of Government may kindly be obtained to the modification of the existing market bye-laws as resolved by the Municipal Council

I have the horor to be,
sir,
Your most obedient servant,

Deputy Commissioner,
Tumkur District

AD 1/11

TUMKUR TOWN MUNICIPALITY

No Ms. 61/46 7

Encl Twelve

Dated, Tumkur, 16th October 1946

From

B C NANJUNDAIYA ESQ
PRESIDENT TOWN MUNICIPAL COUNCIL
TUMKUR

5006

To

The Deputy Commissioner,
Tumkur District, Tumkur

OF THE DEP...
A6
19 OCT 19...
TUMKUR DISTRICT

Subject — Re auction of Market shops and stalls once in three years

I have the honour to state that this Municipal Council, in their meeting held on 31-7-46 have resolved that the President, be authorised to dispose of the Market shops and stalls once in three years in Public Auction

The proposal was widely published with a notification under section 48 (1) (a) of the Town Municipalities Act of 1878, inviting objections from the public (copies of the notification and resolution are herewith enclosed for kind perusal)
Six objections petitions were received from the merchants of the market shops and stalls which are herewith enclosed for reference in original These objection petitions were duly considered by the Council in their meeting held on 28-9-46 when they resolved that the questions are untenable and the proposal be sent to Government for sanction (copy enclosed)

The present proposal is expected to bring good income to the Municipality

I therefore request that early sanction of Government may kindly be obtained

I have the honour to be,
Sir,
Your most obedient servant

B C Nanjundaiya
President
16/10

Office of the Deputy Commissioner.

L 89948 of 23 12 46

To,

The D.C. Thrissur

Sir,

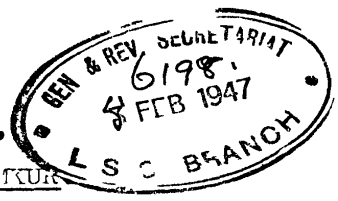
I am directed to request you to arrange to send a copy of GO 2 4930-1/Rev 109-44-Ho of 23/11/44 with a copy of existing market bye-laws in the Thrissur Town Hall, as referred to in your letter No A 6 747/46 of 1-11-46 on the subject

I have etc

A

H Rowley

Office of the Deputy Commissioner,
No A6 C 747/46-47 Tumkur District,
dated, Tumkur the 27th January 1947



From

Mir Safdar Hussain, Esq , B A ,
Deputy Commissioner,
Tumkur District, TUMKUR

To

J B Nallaradhya, Esq , M A ,
Secretary to Government,
Revenue Department, BANGALORE

Subject Re Modification of Market Bye laws
Tumkur Town Municipal Council

Sir,

With reference to your letter No L 89994 dated 23-12-1946, I have the honour to forward herewith a copy of the Market Byelaws of Tumkur Town Municipality for favour of reference

I have the honour to be,
Sir,
Your Most Obedient Servant

Deputy Commissioner,
Tumkur District

CVG/27 1

Appendix F G --1]

SUBJFCT

Section

File No

Serial No

Diary No of letter replied to

No L. 12508/R

General and Revenue Secretariat

( )

the 194

To

The Dy Commnr, Tumkur Dt

Sir,

Date of issue 13/3/47

Signed by Ma for R Rao

with reference to the correspondence ending with your letter NO A6 C 747/46-47 & 27-1-47 on the matter of making certain modifications in the Market Bye-laws of the Tumkur Town mcpl, I am directed to request you to state the reasons for making the change now proposed. It may also be stated whether the objections received against the proposed change were considered by the mcpl council & if so, what are their opinions on the several objections received in this behalf.

List of enclosures

and whether such a bye-laws in force in [illegible] of these types [illegible] any [illegible]

Copied by [illegible]

Examined by

The records accompanying I have etc

for Revenue Secy to Govt

WD 02 4 —GPD—25 000—24 6 46

Mk. 87-UR-16 MI 551

GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore, 1-7-48

D O No L 63

LEAR SIR

I am desired to invite your attention to this Office Letter No L/12508 dated 13—3—1947 and the subsequent reminder, ending with letter No L14015 ~~reminders~~, dated 26-2-48 in the matter of ~~mat~~ effecting certain modifications in the Market Byelaws of the Sunkin Town Mly .....

.....

and to request that ~~the~~ reply thereto may kindly be expedited, as the matter is long pending ~~& urgent~~ If no reply is received on the subject by the 15th inst. the case will be treated as closed. Yours sincerely,

To D.C. Sunkin (Bijapur)

for the Secy

WD 0652—GPB—15 000—31-5-47

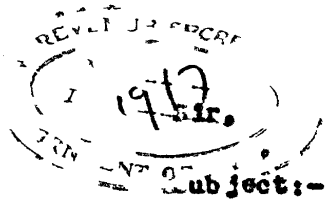
ML. 87-48-16 ML 551

No. A6 C 747/46-7

Office of the Deputy Commissioner,
Tumkur District,
Dated, Tumkur, the 12th July 1948.

To

Syed Abdul Aleem, Esq., B.A.,
Secretary to Government of Mysore,
Revenue Department, Bangalore.



Subject:-

Modification of market bye-laws of Tumkur Town Municipality

=

With reference to your letter No L 12506, dated 13 3 47 on the above subject, I have the honour to forward herewith a copy of letter No HC 61/46-47 dated 13 7 48, received from the President, Town Municipal council, Tumkur, wherein he has furnished all the information required by you in your letter under reference

I, therefore, request that sanction of Government may kindly be obtained to the modification of the existing market bye-laws as resolved by the Municipal council

The connected records accompany

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Tumkur District
Absent from Head-quarters

krl

Letter No HC 61/46-47 dated 1o 7 48 from the President, Town Municipal Council, Tumkur, to the Deputy Commissioner, Tumkur District

Re Marketting Bye-laws

With reference to your Memo No AG-C 747/46 dated 21 6 47 forwarding for remarks the copy of the Revenue Secretary's letter No 12508/R dated 1o 5 47, regarding the above, I have the honour to state as follows -

The stall and shop holders of the market, time and again were representing that the period of one year for which the shops and stalls were leased out, was too short a period, ~~leading~~ leading to very unhealthy and cut throat competitions and the stall and the shop holders would not have the necessary presence of mind and peace to carry on the trade They suggested that the stall and the shops should be auctioned out, at least for a period of five years The repeated requests made by them and the unhealthy competition in the market, felt by the council, necessitated the matter of proposing an amendment to the bye-laws of the Municipality so permitting the presdient to auction out the stalls and shops for a period of three years The proposal was accepted by the council at their meeting held on 31 7 46 This was duly published and objections were called for Six objection petitions were received Each one of them was duly considered by the council at their meeting held on 28 9 46, and the council found their objections frivolous and untenable being unreasonable Therefore, they unanimously resolved to amend the existing bye-laws to the extent of permitting the president to auction out stalls and shops once in three years This council is not aware. if this bye-law is in force, in Mysore, Bangalore or any other District Head Quarter Municipalities The amendment proposed by the council is very reasonable and practicable and sanction of Government may kindly be obtained early

The connected records accompany

-- PH Chairman

" Copy "

No. 4

Mt. 87 - T98 - 17 3348/A 29/9/48

The [illegible] Tumkur

Subj: Auction of ~~Market~~ Shops stalls on the market at Tumkur Town once in three years

Sir,

With reference to the correspondence ending with your letter No Ab C 743/46-47 dt 17-7-48 on the above subject, I am directed to state that the existing practice in this behalf may continue, as the proposal of the M[illegible] is not in the interests of the finances of the Municipality

The Records accompany

Yours faithfully

25/9/48

for the Secretary

D-TT

L 3349 29-9-48

Copy of the above is forwarded ~~with compliments~~ to the president Travancore Cochin for information.

~~Yours faithfully~~
Sd/-
[illegible]

Regd by hand
Asst
2879
Dt 24-9-48